

200316700-1

10/825,870

REMARKS

This is a full and timely response to the non-final Official Action mailed **December 14, 2007**. Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

Claim Status:

Claims 22-53 and 63-79 were withdrawn from consideration under the imposition of a previous Restriction Requirement and cancelled without prejudice or disclaimer.

Subsequently, claims 2, 59 and 61 were also cancelled without prejudice or disclaimer.

By the forgoing amendment, various claims have been amended. Additionally, claims 6, 55 and 99 have been cancelled without prejudice or disclaimer. No claims have been added. Thus, claims 1, 3-5, 7-21, 54, 56-58, 60, 62 and 80-98 are currently pending for further action.

Prior Art:

Claims 1, 5-14, 21, 54, 57, 58, 60, 80, 86, 88, 89, 91, 94, 96, 97 and 99 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combined teachings of U.S. Patent App. Pub. No. 2003/0059471 to Compton et al. ("Compton") and U.S. Patent App. Pub. No. 2004/0173146 to Figueroa et al. ("Figueroa").

Claims 15-20, 60, 62 and 83 were rejected under 35 U.S.C. § 103(a) over the combined teachings of Compton, Figueroa and U.S. Patent No. 6,602,511 to von Corswant ("Corswant").

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Claims 3, 4 and 56 were rejected under 35 U.S.C. § 103(a) over the combined teachings of Compton, Figueroa and U.S. Patent App. No. 2003/0065294 to Lo et al. ("Lo").

Claims 81, 82, 92 and 93 were rejected under 35 U.S.C. § 103(a) over the combined teachings of Compton, Figueroa, Corswant and DD 217989 to Bombor et al. ("Bombor").

These rejections all fail under 35 U.S.C. § 103(c). 35 U.S.C. § 103(c) states:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Applicant notes that Figueroa is available as prior art against the present application only under 35 U.S.C. § 102(e). The Figueroa reference is a patent application published September 9, 2004, *after* the filing of the present application of April 16, 2004. Consequently, the Office must rely on the filing date of Figueroa under 35 U.S.C. § 102(e).

Applicant also notes that Figueroa is assigned to the Hewlett-Packard Development Co. LP (*See*, recorded assignment at reel/frame 015102/0706). Similarly, the present application is also assigned to Hewlett-Packard Development Co. LP (*See*, recorded assignment at reel/frame 015225/0377).

Applicant hereby states that the subject matter of the present application and the Figueroa reference were, at the time the invention of the present application was made, owned by, or subject to an obligation of assignment to, the same person, i.e., Hewlett-Packard Development Co. LP (*See* MPEP § 706.02(1)(2)). Consequently, under 35 U.S.C. § 103(c), the Figueroa reference *cannot* be applied as prior art against the present application under 35

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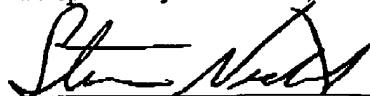
U.S.C. § 103(a). Therefore, the rejections listed above which apply Figueroa under § 103(a), must be reconsidered and withdrawn.

Conclusion:

In view of the following arguments, all claims are believed to be in condition for allowance over the prior art of record. Therefore, this response is believed to be a complete response to the Office Action. However, Applicants reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

If the Examiner has any comments or suggestions which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,



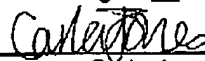
Steven L. Nichols  
Registration No. 40,326

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Steven L. Nichols, Esq.  
Managing Partner, Utah Office  
Rader Fishman & Grauer PLLC  
River Park Corporate Center One  
10653 S. River Front Parkway, Suite 150  
South Jordan, Utah 84095  
(801) 572-8066  
(801) 572-7666 (fax)

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted to the Patent and Trademark Office facsimile number 571-273-8300 on March 13, 2008. Number of Pages: 18



Carla Jones